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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,209	03/26/2004	Robert Laurence Cook	2003-0126.03	1960

21972 7590 02/05/2009  
LEXMARK INTERNATIONAL, INC.  
INTELLECTUAL PROPERTY LAW DEPARTMENT  
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LEXINGTON, KY 40550-0999

EXAMINER
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EBRAHIMI DEHKORDY, SAEID

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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02/05/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/811,209	<b>Applicant(s)</b> COOK ET AL.	
	<b>Examiner</b> SAEID EBRAHIMI DEHKORDY	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11/3/08/.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Arguments***

1. Applicant's arguments filed 6/5/08 have been fully considered but they are not persuasive. Applicant argues that "Further, the Examiner has specifically alleged that the processing of photographic images which digital filters to sharpen image, enhancing edges, and removing noise from the image by the modifying page description step 92 in Miller et al can be considered as modification of image and also has fewer variables as compared to the original image presentation of the raster data being rendered. However, in the cited reference, it is noise that is being removed from the original image data, whereas in the claimed invention it is the number of variables of the raster operation function being reduced, which does not remove a part of the image data as in Miller et al.

Examiner disagrees and points out that the passage of column 9, line 59 to column 10, line 5 would in fact reduce the raster operation function by reducing the two different black colors to one halftone black color that falls within the color regions as a process black (mixture of cyan, magenta and yellow) and that which falls outside of the color regions as a true black. Which would make the processing of two different black colors to only one halftone process.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller et al (U.S. patent 6,257,693)

**Regarding claim 1** Miller et al disclose: A method for processing a print job (note Fig.3) comprising modifying a raster operation function to have fewer variables than originally specified by said print job (column 9, line 59 to column 10, line 5 would in fact reduces the a raster operation function by reducing the two different black colors to one halftone black color that falls within the color regions as a process black (mixture of cyan, magenta and yellow) and that which falls outside of the color regions as a true black. Which would make the processing of two different black color to only one halftone process).

**Regarding claim 2** Miller et al disclose: The method of claim 1, wherein said modifying further includes determining whether said function has a variable with a black or white identity (note column 6, lines 1-10 and column 6 line 62 to column 7, line 8).

**Regarding claim 3** Miller et al disclose: The method of claim 2, further including determining whether an ink variable is black or white (note column 11, lines 25-36).

**Regarding claim 4** Miller et al disclose: The method of claim 2, further including determining whether an object variable is black or white (note Fig.2, column 3, line 66 to column 4, line 2).

**Regarding claim 5** Miller et al disclose: The method of claim 4, further including determining whether said object variable is one of a character, a stencil and an image (note column 5, lines 18-28).

**Regarding claim 6** Miller et al disclose: The method of claim 1, wherein said modifying further includes determining whether said function has a destination variable unaltered in a to-be-painted area (note column 9, lines 32-38).

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**Regarding claim 7** Miller et al disclose: The method of claim 1, wherein said function includes two of a destination variable, an object variable and an ink variable (note column 5, lines 18-28) said modifying further including reducing said function to a single variable (note column 9, line 59 to column 10, line 5).

**Regarding claim 8** Miller et al disclose: The method of claim 1, wherein said function includes one of a destination variable, an object variable and an ink variable (note column 5, lines 18-28) said modifying further including reducing said function to no variable (note column 9, lines 32-38).

**Regarding claim 9** Miller et al disclose: The method of claim 1, further executing said modified function (note column 9, line 59 to column 10, line 5).

### ***Conclusion***

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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### **CONTACT INFORMATION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeid Ebrahimi-dehKordy whose telephone number is 571-272-7462. The examiner can normally be reached on Mon-Fri, 8:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Saeid Ebrahimi-dehKordy/  
Primary Examiner, Art Unit 2625  
January 22, 2009